



State of Ohio Environmental Protection Agency

OHIO E.P.A.

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3000 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
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Columbus, OH 43260-1049

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MAR 5 2007

CERTIFIED MAIL

Mr. Irwin W. Huth
1580 S.R. 212 NW
Bolivar, Ohio 44612

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Janice Jackson Date: 3-5-07

Dear Mr. Huth:

The purpose of this letter is to respond to the verified complaint filed by you and received by the Agency on December 7, 2005, in which you alleged that you had been adversely affected by the dumping of radioactive material on or about July 1, 2005 at the Countywide Recycling and Disposal Facility ("Countywide").

Your verified complaint alleges, in pertinent part, that the acceptance of radioactive waste "is a serious breach of safety and health regulations, and both the license and permit under which Republic Services' Landfill operates." Further, your complaint alleges violations of certain statutes and regulations including Ohio Revised Code ("ORC") Chapter 3748 and Ohio Administrative Code ("OAC") Chapters 3745-27 and 3745-37.

Ohio EPA has investigated your complaint and determined the following. Countywide received waste from a rear loading residential garbage truck on July 1, 2005, that triggered the alarm for radioactive waste. In turn, Countywide contacted the Ohio Department of Health ("ODH") and isolated the truck until ODH could conduct a survey of the material. On July 5, 2005, ODH conducted a radiological survey and determined that the isotope that triggered Countywide's radiation meter was 1-131 (iodine). ODH directed Countywide employees to empty the truck in a secure area and segregate the waste within the facility boundary. All materials with elevated readings were placed in a secure area, covered with six inches of soil, and signs were posted pursuant to ODH's direction. Further, ODH estimated that it would take approximately eighty days for the 1-131 waste to be at background and no longer be classified as low level radioactive waste. The other waste that showed no elevated readings was transported to the working face for disposal. On September 22, 2005, the waste that was accepted on July 1, 2005, and staged for decay was surveyed and determined to be at background. Since the waste was no longer radioactive, Countywide placed the remainder into the working face for final disposal.

In light of these events, Ohio EPA contacted Steve Helmer at the ODH for more information regarding 1-131 radiation. Mr. Helmer indicated that the 1-131 radiation was most likely administered by a doctor for a thyroid treatment. Doctors often administer 1-131 to patients who are subsequently released from the hospital, go home and then use an adult diaper to dispose of their human waste. The diaper is then thrown into the trash and sent to a landfill. Mr. Helmer provided Ohio EPA with a pamphlet that doctors commonly give to 1-131 patients which states, "there is no evidence that such exposure (from 1-131) has ever caused any harm" with reference to contamination to persons other than the patient.

Because of the possibility that the low level radioactive material alarm at Countywide could be triggered frequently as a result of 1-131 contamination, the Ohio EPA issued Final Findings and Orders to Republic Waste Services of Ohio II, LLC on December 20, 2005. Those Orders established procedures to follow in the event that low level radioactive material triggers the alarm for radioactive material and, is determined to be generated by routinely performed medical procedures. In developing the Orders, Ohio EPA coordinated with ODH. ODH represented that the low level radioactive waste at issue is considered to be non-harmful and commonly used in a number of medical procedures. ODH also suggested procedures to be used to safely handle such material.

Because of the existence of the December 20, 2005 Director's Final Findings and Orders, Ohio EPA believes that a similar violation of Ohio EPA's rules associated with 1-131 is unlikely to occur at the facility again. Therefore, in accordance with the procedures established for verified complaints in ORC Section 3745.08, complaint number SW #06-001 is hereby dismissed. However, even though I am dismissing the verified complaint in accordance with applicable law, I want to thank you for bringing this matter to our attention and assisting us in developing procedures to safely and legally handle in the future the type of low level radioactive waste that was the subject of your verified complaint.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served upon the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Board. An appeal may be filed with the Environmental Review Appeals Commission, 309 South 4th Street, Room 222, Columbus, OH 43215.

Sincerely,



Chris Korleski
Director

cc: Carl Mussenden, DSIWM, CO
Jeff Hurdley, Legal
Stark County Health Department

Murat Tukul, DSIWM, NEDO
Ed Gortner, DSIWM, CO
Scott Winkler, DSIWM, NEDO